



Delta Diablo Sanitation District

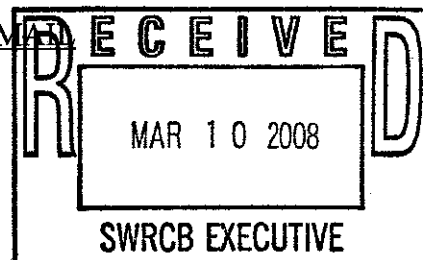
3/18/08 Bd, Mtg. Item 13
Recycle Water Policy
Deadline: 3/10/08 by 12 p.m.

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March 10, 2008

VIA ELECTRONIC MAIL (commentletters@waterboards.ca.us) & U.S. MAIL

Executive Office
State Water Resources Control Board
P.O. Box 100
Sacramento, CA 95812-0100



ATTENTION: Jeanine Townsend, Clerk to the Board

SUBJECT: COMMENT LETTER – REVISED PROPOSED RECYCLED WATER
POLICY, MARCH 18, 2008 BOARD MEETING

Dear Chair Doduc & Members of the Board:

Thank you for the opportunity to comment on the State Water Resource Control Board's (Water Board) Revised Proposed Recycled Water Policy (Policy). The District appreciates the Board's leadership in developing a policy that promotes the use of recycled water and recognizes the importance of recycled water to California's future sustainable water supply.

Delta Diablo Sanitation District requests that the Water Board not adopt the proposed Recycled Water Policy for California, as written, at its March 18, 2008 Board Meeting. While we had hoped that the revised Policy would help achieve the State's goal of removing barriers to use of recycled water, we regrettably find ourselves faced with a proposed Policy that does not accomplish this goal. For this reason, we urge the Water Board not to adopt the proposed Policy.

While we appreciate some of the revisions to the prior draft, such as removal of the requirement to provide financial assurances and the adjustment of the provisions relating to maximum total dissolved solids (TDS), a number of the policy provisions do not advance the goal of increasing the use of recycled water in California. A brief summary of these issues:

- The Policy allows Regional Boards to establish recycled water limits, based on narrative toxicity objectives, which are more stringent than drinking water standards, without a basis in science. The Policy undermines agencies' ability to plan for projects by introducing a level of uncertainty as to what types and levels of limits might be established and their associated costs.
- The Policy relies upon the current MOA process to resolve conflicts between the California Department of Public Health (CDPH) and the Regional Board. This does not advance the cooperation between CDPH and the Water Board which will be absolutely necessary to reach the State's established goals for recycled water use.
- While we appreciate the legitimate need for salinity management, we continue to believe that using a recycled water project application as a trigger for the preparation of salinity management plans is ineffective. The salt management plans are to be done in five years with the possibility of a five-year extension if significant progress is made, but there is no framework for determining progress, and our experience shows that it will take more than five years to do the plans.

Chair Doduc & Members of the Board

March 10, 2008


COMMENT LETTER – REVISED PROPOSED RECYCLED WATER POLICY, MARCH 18,
2008 BOARD MEETING

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- The Policy's approach to groundwater monitoring is unclear. One provision seems to imply monitoring is not needed, but other provisions give Regional Boards the authority to require monitoring under certain circumstances. This further contributes to the lack of clarity which will frustrate project planning. In addition, this lack of clarity could undermine the cohesive development of the monitoring plans needed to truly support regional salinity management.
- The Policy establishes a 3 mg/L nitrogen threshold in recycled water for implementation of nutrient management practices and again, the Policy lacks clarity as to what is meant by "nutrient management practices". Many water recyclers produce water that exceeds this threshold and again, without clarity agencies' planning efforts are impeded by uncertainty as to treatment requirements and costs.
- The Policy presumes that local agencies can control water softeners to limit salts, which is not accurate – there are legal limitations and obstacles for prospective controls and no ability to retrospectively ban residential softeners. This real limitation on a local agencies' authority to conduct source control efforts must be recognized if the Policy is to truly advance water recycling.
- The anti-degradation language does not adequately address the components of the Anti-degradation Policy, particularly with regard to defining prevention of nuisance and pollution, maximum benefit, and best practical treatment and control (BPTC). Without addressing this issue, the proposed Policy cannot insure it will not unreasonably affect beneficial uses.
- The Policy includes numerous references to the Clean Water Act without explaining how the Act is relevant or applicable to recycled water irrigation and recharge. Once again this uncertainty about the Policy's intent and what is intended by Clean Water Act compliance, creates a regulatory environment that can frustrate the development of projects.

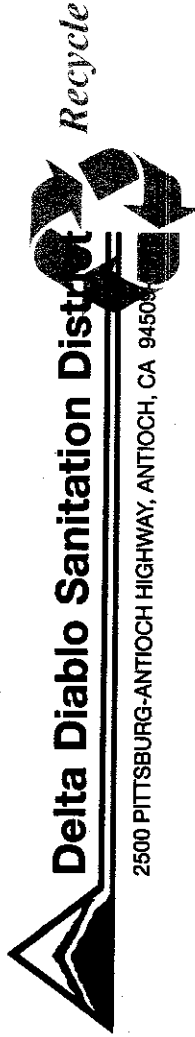
We encourage the Water Board to engage in a facilitated drafting process with all stakeholders to develop a policy that will increase the likelihood of successful implementation to the benefit of all Californians. Thank you for your consideration of our concerns. If you have any questions, please feel free to contact me at (925) 756-1920.

Sincerely,

 FOR G.W. DARLING
Gary W. Darling
General Manager

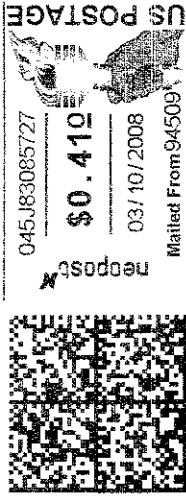
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cc: Caroline Quinn, Engineering Services Director
Dennis Laniohan, Operational Services Director
RWF-CORRES-9
Chron File



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